

IN THE SUPREME COURT
APPEAL FROM THE COURT OF APPEALS

#6 Dec/ 2003

CENTRAL CEILING & PARTITION, INC.,
Plaintiff-Appellee,

v

SC: 121009
COA: 225378
Wayne CC: 98-810597 CH

DEPARTMENT OF COMMERCE,
Defendant-Appellant,

and

KITCHEN SUPPLIERS, INC.
Defendant-Appellee,

and

CAPPY HEATING AND AIR CONDITIONING, INC.,
Intervening Plaintiff-Appellee,

and

PRIMEAU HOMES, INC.,
Defendant,

and

WAYNE COUNTY REGISTER OF DEEDS,
Defendant.

WAYNE COUNTY REGISTER OF DEED'S SUPPLEMENTAL BRIEF

AZZAM E. ELDER (P 53661)
Wayne County Corporation Counsel
SAMUEL A. NOUHAN (P 44381)
Principal Attorney– Chief of Litigation
Attorneys for Wayne County
Register of Deeds
600 Randolph Street, Second Floor
Detroit, Michigan 48226
(313) 224-5030

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STATEMENT OF BASIS OF JURISDICTION

This court ordered the Wayne County Register of Deeds be added to this suit as a defendant. MCR 7.316(A)(7), 2.205(B).

STATEMENT OF FACTS

This Court ordered the Wayne County Register of Deeds to answer four specific questions in regard to this case, answers to which were provided in the Register's February 2, 2004 brief. In a March 26, 2004 order (Appendix A), this Court directed the Register to file a supplemental brief answering five additional questions, answers to which are provided in this brief.

ANSWERS TO COURT PRESENTED QUESTIONS

QUESTION 1: "[W]hether . . . [the Register's] TRIMIN system is in actual compliance with the terms of MCL 565.25(1), and, specifically, whether the 'day, hour, and minute of receipt' is entered into the TRIMIN system as required by § 565.25(1)"

The TRIMIN system does not record the hour or minute of receipt of an instrument. It records only the day of receipt. Although information stored in the TRIMIN system is searchable, the public may not search for or retrieve information on the TRIMIN system until after an instrument is assigned a Liber Page and indexed, which typically occurs some time after presentment to the Register. Appendix B, paragraph 11.

QUESTION 2: "Whether the liens involved in this case, i.e., the liens filed by Central Ceiling & Partition, Inc., Kitchen Suppliers, Inc., and Cappy Heating and Air Conditioning, Inc., were actually entered into the TRIMIN system and, if so, what 'date, hour, and minute' is indicated in the TRIMIN system regarding the receipt of

these liens"

The referenced liens were actually entered into the TRIMIN system, with notation of the day of receipt but not the hour or minute of receipt. Contrary to the assertions of the Michigan Land Title Association (MLTA) in its March 19, 2004 amicus brief, the TRIMIN system does provide an imaged copy of the document presented, showing the date stamp in the upper left corner (indicating the date received), and clearly showing the Liber, page, and date and time of recording in the upper right portion of the imaged document.

MLTA correctly notes that the "date received" information on the TRIMIN system for the Central Ceiling liens shows an incorrect date of February 2, 1998. However, the date received is clearly marked in the upper left corner of the imaged Central Ceiling liens attached to Ms. McLenon's February 2, 2004 affidavit, which is part of the Register's February 2, 2004 brief.

CENTRAL CEILING LIENS

As to the liens filed by Central Ceiling, the information was previously provided at pages two and three of the Register's February 2, 2004 brief, and is repeated here for convenience.

The notice of lien for Lot 34 was presented to, and accepted by, the Register on December 17, 1997 (time unknown); it was recorded on February 2, 1998 at 10:37 a.m.

The notice of lien for Lot 74 was presented to, and accepted by, the Register on December 17, 1997 (time unknown); it was recorded on February 2, 1998 at 10:38 a.m.

The notice of lien for Lot 124 was presented to, and accepted by, the Register on December 17, 1997 (time unknown); it was recorded on February 2, 1998 at 10:39 a.m.

The notice of lien for Lot 134 was presented to, and accepted by, the Register on December 17, 1997 (time unknown); it was recorded on February 2, 1998 at 10:40 a.m.

KITCHEN SUPPLIERS, INC. LIEN

As to the lien filed by Kitchen Suppliers, Inc., the claim of lien was presented to, and accepted by, the Register on August 27, 1997 (time unknown); it was recorded on September 30, 1997 at 11:04 a.m. Appendix B, paragraph 12(A).

CAPPY HEATING AND COOLING, INC. LIEN

As to the lien filed by Cappy Heating and Cooling, Inc., the claim of lien was presented to, and accepted by, the Register on December 5, 1997 (time unknown); it was recorded on January 23, 1998 at 10:50 a.m. Appendix B, paragraph 12(B).

QUESTION 3: "If the TRIMIN system does not record the 'day, hour, and minute of receipt,' why the Register asserts that its system is in compliance with §565.25(1)"

In its February 2, 2004 brief, the Register did not state that the TRIMIN system is in compliance with 565.25(1). Rather, the Register's response to the Court's specific question was that the Register believes that the TRIMIN system "is the lawful equivalent of an entry book under MCL 565.24" (see responses two and three in the Register's prior brief), with the exception that the TRIMIN system does not record the time of presentment to the Register's Office (see response one in the Register's prior brief) .

QUESTION 4: "If the TRIMIN system is not in actual compliance with § 565.25(1) or if the liens at issue in this case were not entered into that system, whether the Register can reconstruct from its records the date, hour, and minute of receipt of the liens at issue as required by § 565.25(1)"

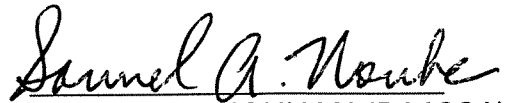
In response to question two above the Register has provided all of the information requested by this Court, with the exception of the hour and minute of receipt of the liens, which cannot be reconstructed from the Register's records. Appendix B, paragraph 13.

QUESTION 5: "[I]f the TRIMIN system is not in actual compliance with 565.25(1), what steps and Register intends to take with regard to its statutory obligation to record lien documents such as the documents at issue in this case."

The Register is investigating changing the current system to ensure that the date and time is recorded for the presentment and acceptance of an instrument and that the information is available to the public by electronic searching before assigned

a Liber and page number. Since the last brief was filed on February 2, 2004, the Register has obtained computer software samples that are capable of addressing these issues. Appendix B, paragraph 14.

April 30, 2004

A handwritten signature in black ink, reading "Samuel A. Nouhan". The signature is fluid and cursive, with the first name "Samuel" being more prominent.

SAMUEL A. NOUHAN (P44381)

Principal Attorney

Chief of Litigation

Counsel for Defendant Wayne County
Register of Deeds

IN THE SUPREME COURT
APPEAL FROM THE COURT OF APPEALS

CENTRAL CEILING & PARTITION, INC.,
Plaintiff-Appellee,

v

SC: 121009
COA: 225378
Wayne CC: 98-810597 CH

DEPARTMENT OF COMMERCE,
Defendant-Appellant,

and

KITCHEN SUPPLIERS, INC.
Defendant-Appellee,

and

CAPPY HEATING AND AIR CONDITIONING, INC.,
Intervening Plaintiff-Appellee,

and

PRIMEAU HOMES, INC.,
Defendant,

and

WAYNE COUNTY REGISTER OF DEEDS,
Defendant.

PROOF OF SERVICE

STATE OF MICHIGAN)
)ss
COUNTY OF WAYNE)

The undersigned, being first duly sworn, deposes and says that she placed in the United States mail, postage prepaid, a copy of the following, properly addressed:

DATE: April 30, 2004

DOCUMENTS: **WAYNE COUNTY REGISTER OF DEED'S SUPPLEMENTAL BRIEF**

ADDRESSEES: Randy G. Martinuzzi, Esq.
Attorney for Plaintiff, Central Ceiling & Partition, Inc.
EDWARDS AND MARTINUZZI, P.C.
3000 Town Center, Suite 2990
Southfield, Michigan 48075

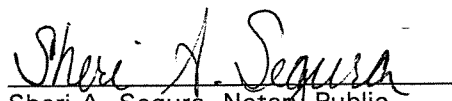
Roy Sgroi, Esq.
Attorney for Defendant Kitchen Suppliers, Inc.
33233 Woodward Avenue
P.O. Box 3026
Birmingham, Michigan 48012-3026

Kelley McLean, Esq.
Assistant Attorney General
Attorney for Department of Commerce
3030 West Grand Blvd, Ste 10-100
Detroit, Michigan 48202

Simcha Shapiro, Esq.
Attorney for Cappy Heating and Air Conditioning, Inc.
29621 Northwestern Highway
P.O. Box 5039
Southfield, Michigan 48086-5039


BRENDA J. SCALES

Subscribed and sworn to before me
this 30th day of April, 2004.


Sheri A. Segura, Notary Public
Wayne County, State of Michigan
My Commission Expires: 5-21-05

#134831

A

Order

Michigan Supreme Court
Lansing, Michigan

Entered: March 26, 2004

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

121009 & (71)

CENTRAL CEILING & PARTITION, INC.,
Plaintiff-Appellee,

v

SC: 121009
COA: 225378
Wayne CC: 98-810597-CH

DEPARTMENT OF COMMERCE,
Defendant-Appellant,
and

KITCHEN SUPPLIERS, INC.,
Defendant-Appellee,
and

CAPPY HEATING AND AIR
CONDITIONING, INC.,
Intervening Plaintiff-Appellee,
and

PRIMEAU HOMES, INC.,
Defendant,
and

WAYNE COUNTY REGISTER OF DEEDS,
Defendant.

— On December 29, 2003, we ordered the Wayne County Register of Deeds to file with the Clerk of this Court a brief, and having received that brief, we further DIRECT the Register to file, within thirty-five days, a supplemental brief stating: (1) whether its TRIMIN system is in actual compliance with the terms of MCL 565.25(1), and, specifically, whether the “day, hour, and minute of receipt” is entered into the TRIMIN system as required by § 565.25(1); (2) whether the liens involved in this case, i.e., the liens filed by Central Ceiling & Partition, Inc., Kitchen Suppliers, Inc., and Cappy Heating and Air Conditioning, Inc., were actually entered into the TRIMIN system and, if so, what “date, hour and minute” is indicated in the TRIMIN system regarding the receipt of these liens; (3) if the TRIMIN system does not record the “day, hour, and minute of receipt,” why the Register asserts that its system is in compliance with § 565.25(1); (4) if the TRIMIN system is not in actual compliance with § 565.25(1) or if the liens at issue in this case were not entered into that system, whether the Register can reconstruct from its

records the date, hour, and minute of receipt of the liens at issue as required by § 565.25(1); and (5) if the TRIMIN system is not in actual compliance with § 565.25(1), what steps the Register intends to take with regard to its statutory obligation to record lien documents such as the documents at issue in this case.

Factual representations by the Wayne County Register of Deeds shall be supported by affidavit. The Register shall promptly serve its response upon all other parties of record. If any party wishes to respond to the submission by the Register, the party may do so within twenty-one days of the date on which the Register's submission is received by the Clerk of this Court.

We retain jurisdiction of this appeal, which remains pending.

t0323



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 26, 2004

Angie J. Mager
Deputy Clerk

B

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v

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DEPARTMENT OF COMMERCE,
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KITCHEN SUPPLIERS, INC.
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CAPPY HEATING AND AIR CONDITIONING, INC.,
Intervening Plaintiff-Appellee,

and

PRIMEAU HOMES, INC.,
Defendant,

and

WAYNE COUNTY REGISTER OF DEEDS,
Defendant.

Supplemental Affidavit of Ms. Christine McLenon

AZZAM E. ELDER (P 53661)
Wayne County Corporation Counsel
SAMUEL A. NOUHAN (P 44381)
Principal Attorney
Attorneys for Wayne County
600 Randolph Street, Second —

Floor

Detroit, Michigan 48226
(313) 224-5030

1. I have personal knowledge of the contents of this affidavit and am competent to testify as to them.

2. I am the Wayne County Deputy Register of Deeds and have held the position since November 2001.

3. I started employment at the Wayne County Register of Deeds Office in December 1996 as an Account Clerk.

4. I was promoted to the position of Department Executive in May 1997.

5. The Wayne County Register of Deeds utilizes an AS 400 TRIMIN land record system (TRIMIN system) to record documents such as the lien documents at issue in this case. In calendar year 1997, the Wayne County Register of Deeds recorded approximately 362,000 documents. In recent years, the volume of documents recorded has nearly doubled.

6. The TRIMIN system is a searchable database, and it represents an accepted and common method of recording and retrieval by Registers in the State of Michigan.

7. Attached to this affidavit are a total of six pages that I printed from the TRIMIN system. There are four pages of information related to the lien of Kitchen Suppliers, Inc., and two pages related to the lien of Cappy Heating and Cooling, Inc.

8. As to the lien of Kitchen Suppliers, Inc., I have attached to this affidavit a copy of the following

(A) the indexed information sheet entered into the TRIMIN system by the Register's Office personnel (one page),

(B) an imaged copy of the actual claim of lien presented to the Register's Office and maintained in the TRIMIN system (one page), with the date and time of recording, the Liber and page numbers, and the registration number appearing in the upper right hand corner of the notice; in addition, in the upper left corner of the imaged copy of the claim of lien, there is a date stamp showing the date the claim of lien was presented to and accepted by the Register, and

(C) an imaged copy of a related proof of service of notice of furnishing and

an imaged copy of the notice of furnishing (two pages).

9. As to the lien of Cappy Heating and Cooling, Inc., I have attached to this affidavit a copy of the following:

(A) the indexed information sheet entered into the TRIMIN system by the Register's Office personnel (one page),

(B) an imaged copy of the actual claim of lien presented to the Register's Office and maintained in the TRIMIN system (one page), with the date and time of recording, the Liber and page numbers, and the registration number appearing in the upper right hand corner of the notice; in addition, in the upper left corner of the imaged copy of the claim of lien, there is a date stamp showing the date the claim of lien was presented to and accepted by the Register, and

10. Attached documentation for the attached notices of lien are identified by a cover sheet that is not maintained or stored on the TRIMIN system but was added for clarity.

11. In response to the Court's first question, the TRIMIN system does not track the hour or minute of receipt of an instrument. It records only the day of receipt (see date stamp in upper left corner of notices of liens). Although information stored in the TRIMIN system is searchable, the public may not search for or retrieve information on the TRIMIN system until after an instrument is assigned a Liber Page and indexed, which typically occurs some time after presentment to the Register.

12. In response to the Court's second question:

(A) KITCHEN SUPPLIERS, INC. LIEN

As to the lien filed by Kitchen Suppliers, Inc., the claim of lien was presented to, and accepted by, the Register on August 27, 1997 (time unknown); it was recorded on September 30, 1997 at 11:04 a.m.

(B) CAPPY HEATING AND COOLING, INC. LIEN

As to the lien filed by Cappy Heating and Cooling, Inc., the claim of lien was presented to, and accepted by, the Register on December 5, 1997 (time unknown); it was recorded on January 23, 1998 at 10:50 a.m.

I obtained this information by personally searching the TRIMIN system and retrieving and printing the documents attached to this affidavit.

13. In response to the Court's fourth question, the Register has provided all of the information requested by this Court, with the exception of the hour and minute of receipt of the liens, which cannot be reconstructed from the Register's records. 14.

The Register is investigating changing the current system to ensure that the date and time is recorded for the presentment and acceptance of an instrument and that the information is available to the public by electronic searching before assigned a Liber and page number. Since the last brief was filed on February 2, 2004, the Register has obtained computer software samples that are capable of addressing these issues.

April 30, 2004

Christine D. Mclenon
CHRISTINE McLENON

Subscribed and sworn to before me
on this 30th day of April, 2004

Deborah A. Odum

Notary Public

County of Wayne, State of Michigan

My Commission Expires: 10-19-2006

MACOMB COUNTY

ACTING IN WAYNE COUNTY

KITCHEN
SUPPLIERS, INC.
LIEN

4/27/04
16:31:05

WAYNE COUNTY REGISTER OF DEEDS PRODUCTION

RCI231
REAL ESTATE

Registration# R 97255771 Liber: 00029687 Page: 1838.0 To: 1840.0
Date Received: 9/30/1997 Time Recorded: 11:04 AM Fees: 13.00
Doc. Type: COL CLAIM OF LIEN Dated Date: 6/11/1997
Entry Date: 10/04/1997

Returned To:

Address L1:

Address L2:

City/St/Zip:

Grantor First

M.I. Last

S M HH

1: KITCHEN SUPPLIERS, INC

2:

Grantee

1: GREGORY

P PRIMEAU

2: PRIMEAU HOMES

Comments:

Consideration Amount 3132.86

Ref. Reg# Ref. Doc. Type

Ref. Liber 00000106 Ref. Page 0089.0

Legal Description: Y

F3=Previous F8=Legal F13=Image

AUG 27 1997

Liber-29687 Page-1838.0
97255771LS 9/30/1997 11:04AM

CLAIM OF LIEN

NOTICE IS HEREBY GIVEN that on the 11th day of June, 1997, KITCHEN SUPPLIERS, INC., 9325 MALTBY ROAD, BRIGHTON, MI 48116 first provided labor or material to GREGORY P. PRIMEAU, PRIMEAU HOMES, 33505 W 14 Mile, Suite 20, Farmington Hills, MI 48331 for an improvement to the property described as: Lot 124, Covington Square Subdivision, according to the plat thereof as recorded in Liber 106, Pages 89 through 94 of Plats, Wayne County Records. Tax ID #71-092-03-0124-000, the owner of which property is Primeau Homes, Inc., 33505 W 14 Mile, Suite 20, Farmington Hills, MI 48334.

The last day of providing labor or material was on the 11th day of June, 1997.

The lien claimant's contract amount, including extras, is \$3,132.86.

The lien claimant has received payment thereon in the total amount of \$ -0-,

and therefor claims a construction lien upon the above-described real property in the amount of \$3,132.86.
(plus accruing finance charges)

\$4.00 RECONUMENTATION

\$13.00 LIENS/MISC

RECORDED

FOREST E. YOUNGBLOOD, REGISTER OF DEEDS
WAYNE COUNTY, MI

Receipt #17762

LIEN CLAIMANT

KITCHEN SUPPLIERS, INC.

By: Norma J. Stewart
Norma J. Stewart, Agent
9325 Maltby Road
Brighton, MI 48116

Dated: August 20, 1997

STATE OF MICHIGAN)
(ss.
COUNTY OF LIVINGSTON)

Subscribed and sworn to before me this 20th day of August, 1997.

Carol Ann Helwig
Carol Ann Helwig, Notary Public
Livingston County, Michigan

My commission expires: May 1, 1999

"This instrument exempt from MCL 565.25, Public Act 526 of 1996, pursuant to MCL 565.25 (3) (b), the filing of Claim of Lien authorized by State Statute, Michigan Construction Lien Act, MCL 570.1107, 570.1111."

PREPARED BY and RETURN TO:

Norma J. Stewart
KITCHEN SUPPLIERS, INC.
9325 Maltby Road
Brighton, MI 48116

R COL 13 42 305 W

PROOF OF SERVICE OF NOTICE OF FURNISHING

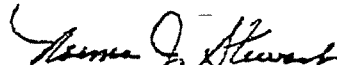
State of Michigan)
 (ss.
 County of Livingston)

Norma J. Stewart, a person of suitable age and discretion, as the fully authorized agent for **KITCHEN SUPPLIERS, INC., 9325 MALTBY ROAD, BRIGHTON, MI 48116**, being duly sworn in accordance with the law, deposes and says:

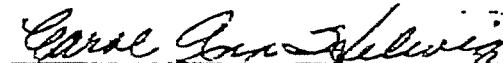
That on the 18th day of June A.D. 1997 she mailed a Notice of Furnishing (a true and exact copy of which is attached hereto) by U.S. Certified Mail and with postage fully prepaid thereon to the following person(s) with the certified number as indicated:

| <u>Addressee and Address</u> | <u>Certified Number</u> | <u>Indicate whether Designee or Contractor</u> |
|--|-----------------------------|--|
| Designee, Inc. 1050 First National Building Detroit, MI 48226 | P 137 757 913 | Designee |
| Gregory P. Primeau Primeau Homes 33505 W 14 Mile, Suite 20 Farmington Hills, MI 48331 | P 137 757 912 | Contractor |

KITCHEN SUPPLIERS, INC.


 Norma J. Stewart, Agent

Subscribed and sworn to before me this 20th day of August A.D. 1997.


 Carol Ann Helwig, Notary Public
 Livingston County, MI

My commission expires: May 1, 1999

KITCHEN SUPPLIERS, INC.

KSI
KITCHEN & BATH SHOWROOMS®

PRI500,1700100,04,8/10.

NOTICE OF FURNISHINGS

TO: Designee, Inc.
1050 First National Building
Detroit, MI 48226

(Name & Address of designee (or owner, or lessee) from Notice of Commencement)

Please take notice that the undersigned is furnishing to Gregory P. Primeau, Primeau Homes, 33505 W 14 Mile, Suite 20, Farmington Hills, MI 48331 (Name & Address of other contracting party) Certain Material for Cabinetry in connection with the improvement of the real property described by the Notice of Commencement, (2) a copy of which is attached or which is recorded in Liber - , on Page(s) - , Wayne County records or a copy of the legal description of the real property subject to this lien is attached hereto.

LEGAL DESCRIPTION: Lot 124 Covington Square Subdivision, according to the plat thereof as recorded in Liber 106, Pages 89 through 94, both inclusive of Plats, Wayne County Records.

WARNING: THIS NOTICE IS REQUIRED BY THE MICHIGAN CONSTRUCTION LIEN ACT. IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS AND DUTIES UNDER THIS ACT, YOU SHOULD CONTACT AN ATTORNEY TO PROTECT YOU FROM THE POSSIBILITY OF PAYING TWICE FOR THE IMPROVEMENT TO YOUR PROPERTY.

KITCHEN SUPPLIERS, INC.
9325 Maltby Road
Brighton, MI 48116
(Name & Address of Lien Claimant)

By: Marsha Lee Kennedy
Marsha Lee Kennedy, Agent
9325 Maltby Road
Brighton, MI 48116

June 18, 1997

- (1) If no designee is named in the Notice of Commencement, use owner or lessee if named. If no Notice of Commencement is recorded or given, use name and address from County Records.
- (2) If liber and page of recording are not available, a copy of the Notice of Commencement may be attached. If no Notice of Commencement is available or if legal description therein is not recorded, a correct legal description should be attached.
- (3) Notice of furnishing is required to be provided to the General Contractor, if any, as named in the Notice of Commencement.

CAPPY HEATING
AND COOLING, INC.

4/25/04
16:32:56

WAYNE COUNTY REGISTER OF DEEDS PRODUCTION

RCI231
REAL ESTATE

DOCUMENT VERIFIED

Registration# R 98015348 Liber: 00029763 Page: 1708.0 To: 1708.0
Date Received: 1/23/1998 Time Recorded: 10:50 AM Fees: 7.00
Doc. Type: COL CLAIM OF LIEN Dated Date: 12/01/1997
Entry Date: 1/28/1998
MAIL (REGULAR)

Returned To: JAMIE KURZMAN

Address L1: 1263 W SQUARE LAKE RD

Address L2:

City/St/Zip: BLOOMFIELD HILLS MI 48302 -

Grantor First M.I. Last

S M HH

1: CAPPY HEATING & AIR CONDITIONING

2:

Grantee

1: PRIMEAU HOMES INC

2:

Comments:

Consideration Amount 5430.00

Ref. Reg#

Ref. Doc. Type

Ref. Liber

Ref. Page

Legal Description: Y

F3=Previous F8=Legal F13=Image

DEC 05 1997

Liber-29763 Page-1708.0
98015348L8 1/23/1998 10:50AM

\$4.00 RECONUMENTATION
RECORDED
FOREST E. YOUNGBLOOD, REGISTER OF DEEDS
WAYNE COUNTY, MI
Receipt #40087
\$7.00 DEED

SECURACO, Inc.

97-3835/5034.0004

CLAIM OF LIEN

NOTICE IS HEREBY GIVEN that on the 14th day of January, 1997, CAPPY HEATING & AIR CONDITIONING, INC. whose address is 12551 Globe Street, Livonia, Michigan 48150, first provided labor and/or materials for an improvement to real property located in the Township of Canton, Wayne County, Michigan, described as:

Lot 124, Covington Square Subdivision, according to the plat thereof as recorded in Liber 106, Page 89 of Plats, Wayne County Records.

The owner of which property is:

PRIMEAU HOMES, INC.

The last day of providing labor and/or materials was on the 30th day of September, 1997. The lien claimant's contract amount, including extras, is \$5,430.00. The lien claimant has received payment thereon in the amount of \$0, and therefore claims a construction lien upon the above described real property in the amount of \$5,430.00.

CAPPY HEATING & AIR CONDITIONING, INC.
Lien Claimant

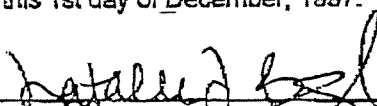
Dated: December 1, 1997

By: 

Jaime L. Kurzman
Agent for Lien Claimant
1263 W. Square Lake Rd.
Bloomfield Hills, MI 48302
(248) 335-9431

STATE OF MICHIGAN
COUNTY OF OAKLAND

Subscribed and sworn to before me
this 1st day of December, 1997.


Natalie J. Bringard, Notary Public
Oakland County, MI
My commission expires: 5/11/01

DRAFTED BY AND RETURN TO:
Jaime L. Kurzman
1263 W. Square Lake Rd.
Bloomfield Hills, MI 48302

A COL 74R 109 Syh